

# EXHIBIT B

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TIMOTHY KING, MARIAN ELLEN  
SHERIDAN, JOHN EARL  
HAGGARD, CHARLES JAMES  
RITCHARD, JAMES DAVID  
HOOPER, and DARREN WADE  
RUBINGH,

Plaintiffs,

v

GRETCHEN WHITMER, in her  
official capacity as Governor of the  
State of Michigan, JOCELYN  
BENSON, in her official capacity as  
Michigan Secretary of State and the  
Michigan BOARD OF STATE  
CANVASSERS,

Defendants,

CITY OF DETROIT,

Intervening Defendant,

ROBERT DAVIS,

Intervening Defendant,

DEMOCRATIC NATIONAL  
COMMITTEE and MICHIGAN  
DEMOCRATIC PARTY,

Intervening Defendant.

No. 2-20-cv-13134

HON. LINDA V. PARKER

MAG. R. STEVEN WHALEN

**AFFIDAVIT OF ERIK A.  
GRILL IN SUPPORT OF  
DEFENDANTS WHITMER  
AND BENSON'S MOTION  
FOR SANCTIONS**

**AFFIDAVIT OF ERIK A. GRILL IN SUPPORT OF  
DEFENDANTS WHITMER AND BENSON'S MOTION FOR  
SANCTIONS**

I, Assistant Attorney General Erik A. Grill, being duly sworn,  
voluntarily state as follows:

1. I have been licensed to practice law in the State of Michigan since 2002.
2. I primarily practice law in Ingham County, Michigan.
3. I have worked for the State of Michigan since December 2002.
4. During my over 18 years of practice, I have worked in the Attorney General's State Operations Division, the Public Employment, Elections & Tort Division, and the Civil Litigation, Elections & Employment Division. I have also worked for the General Counsel of the Department of Insurance and Financial Services.
5. I am presently a Senior Attorney in the Civil Litigation, Elections & Employment Division. In this position, I have unique experience and substantial expertise in the field of election law, and I have frequently handled election cases in state and federal courts, at both the trial court and appellate court levels.
6. I have routinely defended state officers and agencies in election-related cases and other complex litigation involving constitutional issues in federal courts, both at the trial court and appellate levels. Recent cases on which I have worked include *Texas v. Pennsylvania, et al.*, U.S. Supreme Court No. 20-220155; *King, et al. v. Whitmer, et al.*, Case No. 20-13134 (E.D. Mich. 2020); *Esshaki, et al v. Whitmer, et al.*, Case No. 20-10831 (E.D. Mich. 2020); *Priorities U.S.A. v. Nessel*, Case No. 20-1931 (E.D. Mich. 2020); *Detroit Unity, et al. v. Whitmer, et al.*, Case No. 20-12016 (E.D. Mich. 2020); *Kishore, et al. v. Whitmer, et al.*, Case No. 20-

1661 (E.D. Mich. 2020); *SawariMedia, L.L.C. v. Witmer, et al.*, Case No. 20-1594 (E.D. Mich. 2020).

7. Collaborating with my Division Chief, Heather Meingast, I researched and drafted the various submissions filed by Defendants Whitmer, Benson, and the Board of State Canvassers in this matter, with each of us handling different issues and working on separate parts of the submissions.
8. To the best of my recollection, the following chart accurately reflects the time I personally spent on various activities performed in defense of this matter:

| <b>Date</b> | <b>Activity</b>   | <b>Hours</b> |
|-------------|---|--------------|
| 11/27/20    | Review Plaintiffs' Complaint  | 1.0          |
| 11/29/20    | Review Plaintiffs' Amended Complaint and exhibits   | 1.0          |
| 11/30/20    | Review Plaintiffs' emergency motion for declaratory judgment and injunctive relief  | 1.0          |
| 12/2/20     | Legal research on laches, standing, Eleventh Amendment, Electors & Elections Clauses, Equal Protection, and Due Process.                    | 2.0          |
| 12/2/20     | Draft portions of Defendants' response to Plaintiffs' emergency motion for declaratory and injunctive relief                                | 5.0          |
| 12/2/20     | Review and edit Brater Declaration in support of Defendants' Response to Plaintiffs' emergency motion for declaratory and injunctive relief | 0.5          |
| 12/2/20     | Review and edit draft of Defendants' Response to Plaintiffs' emergency motion for declaratory and injunctive relief before filing           | 0.5          |
| 12/2/20     | Draft response to emergency motion to seal  | 0.5          |

|          |  |      |
|----------|--|------|
| 12/7/20  | Review December 7, 2020, Opinion & Order   | 0.5  |
| 12/22/20 | Draft portions of Defendants' motion to dismiss and review; Review and edit draft before filing  | 2    |
| 1/14/21  | Review City of Detroit's Motion for Sanctions and draft Defendants' concurrence with that motion | 1.0  |
| 1/19/21  | Review voluntary dismissal; Legal research on federal rules for voluntary dismissal              | 0.25 |
| 1/28/21  | Review motion & brief for sanctions (ECF No. 105)  | 1    |
| 2/12/21  | Review Plaintiffs' response to Defendants' motion for sanctions (ECF No. 112)                    | 0.75 |
| 7/29/21  | Review Plaintiffs' supplemental briefs (ECF No 161, 162, 165)                                    | 1.25 |
| 8/25/21  | Review Court's Opinion & Order (ECF No. 172)   | 1    |

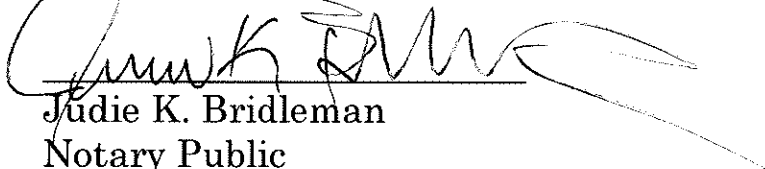
|                              |            |
|------------------------------|------------|
| Total Hours                  | 19.25      |
| Reasonable rate <sup>1</sup> | \$350/hr   |
| Total Attorney Fees/Costs    | \$6,737.50 |

9/7/21  
Date

  
Erik A. Grill

<sup>1</sup> Based on the State Bar of Michigan's 2020 Economics of Law Practice in Michigan Survey, the median and mean billing rates for election law attorneys in the Lansing area is \$300 and \$395 respectively. See <https://www.michbar.org/file/pmrc/articles/0000156.pdf>. Given my years of experience and supervisory position, an hourly rate of \$350 is reasonable in this matter.

Subscribed and sworn to before me  
September 7, 2021



Judie K. Bridleman  
Notary Public  
Eaton County, Michigan  
Acting in Ingham County, Michigan  
My commission expires: 11.30.2021